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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **LPA 235/2024 & CM APPL. 17770/2024**

ARUN KHANNA

..... Appellant

Through: Appellant through SPA Holder Ms.
Vaneeta Khanna

versus

VINOD KHANNA

..... Respondent

Through: None

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Date of Decision: 21st March, 2024

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

JUDGMENT

MANMOHAN, ACJ : (ORAL)

CM APPL. 17771/2024 (for exemption)

Allowed, subject to all just exceptions.

Accordingly, the present application stands disposed of.

LPA 235/2024 & CM APPL. 17770/2024

1. The present Letters Patent Appeal has been filed under Clause X of the Letters Patent of the then High Court of Judicature at Lahore, which stands extended to the High Court of Delhi, challenging the impugned judgment dated 15th February, 2024, passed by the learned Single Judge of this Court in Cont. Cas. (C) 916/2019, disposing of the said contempt petition as satisfied.



2. The Appellant was the original contempt petitioner before the learned Single Judge and had filed the contempt petition seeking initiation of contempt proceedings against the Respondent for the alleged non-compliance of the order dated 20th February, 2018, passed in FAO No. 51/2018.
3. The learned Single Judge *vide* impugned judgment has recorded her findings and concluded that there has been a substantial compliance of the settlement recorded in the order dated 20th February, 2018 and therefore, the Court opined that it does not deem it fit to initiate contempt proceedings against the Respondent.
4. As noted above, the present appeal has been filed by the original Petitioner invoking Clause X of the Letters Patent, being aggrieved by the non-initiation of the contempt proceedings against the Respondent.
5. The Supreme Court in ***Midnapore Peoples' Coop. Bank Ltd. and Ors. vs. Chunilal Nanda and Ors.***¹ after a detailed examination of right of appeal against orders passed by the Court in its contempt jurisdiction, authoritatively held that an appeal under Section 19 of the Contempt of Courts Act, 1971 ('Act of 1971') cannot be maintained against an order of the Court declining to initiate proceedings for contempt. In the same judgment, the Supreme Court [at paragraph 11(V)] held that an intra-court appeal under Letters Patent would be maintainable only when the Court hearing the contempt petition decided an issue or makes a direction relating to the merits of the dispute between the parties.
6. In the present case admittedly, this appeal has not been filed on the assertion that the learned Single Judge has decided any issue relating to the

¹ (2006) 5 SCC 399 (at para 11)



merits of the dispute or issued any direction to the Appellant herein; and therefore, the exception carved out in *Midnapore Peoples' Coop. Bank Ltd* (supra) is not attracted to the facts of this case. The present appeal, as is apparent from the memorandum of appeal, is filed being aggrieved by the non-initiation of the contempt proceedings against the Respondent. However, no right of appeal has been provided under the Act of 1971 to a petitioner aggrieved by the non-initiation of the contempt proceedings. In view of the law settled by the Supreme Court in *Midnapore Peoples' Coop. Bank Ltd* (supra) and *D.N. Taneja vs. Bhajan Lal*², the Appellant cannot maintain the present appeal under Clause X of the Letters Patent or Section 19 of the Act of 1971.

7. Therefore, the present appeal is dismissed as not maintainable with liberty to the Appellant to file appropriate proceedings in accordance with law. It is made clear that we have not examined the merits of the claim made in this appeal. The application stands disposed of.

ACTING CHIEF JUSTICE

MANMEET PRITAM SINGH ARORA, J

MARCH 21, 2024/ aa

² (1988) 3 SCC 26 (paras 8, 10 and 12)